

AB 438 (Beall) – FACT SHEET

People with Developmental Disabilities in the Criminal Justice System

BACKGROUND

A 2002 report prepared by the Association of Regional Center Agencies' (ARCA) Forensic Committee noted that people with developmental disabilities who get involved with the criminal justice system are at a distinct disadvantage, whether or not they actually committed a crime. They are more suggestible and, therefore, more vulnerable to the pressures of interrogation. They are more likely to endure poor treatment and suffer abuse. The recidivism rate is higher than for other offenders. The ARCA report cited estimates that somewhere between 2% and 10% of the jail and prison population at that time were people with developmental disabilities.

Jails and prisons are notoriously overcrowded and are ill-equipped to provide people with developmental disabilities with the basic training or habilitation they need to become productive members of the community. Unfortunately, there are significant barriers to providing safe and effective community-based alternatives for people with developmental disabilities who become involved or are at risk of involvement with the criminal justice system.

The ARCA report included a list of recommendations for more appropriately addressing the needs of this population, including, for example, developing community residential alternatives, services and supports; facilitating inter-agency collaboration and information sharing; and expanding existing diversion options to include people charged with non-violent felonies.

THIS BILL

AB 438 takes steps to ensure more appropriate services and supports for people with developmental disabilities who become involved with the criminal justice and court system:

- AB 438 will expand eligibility for diversion to persons with developmental disabilities charged with non-violent felonies, and will repeal the requirement that the individual have been a client of the regional center system prior to the time of the charged offense. This provision will give many non-violent individuals access to more appropriate services and supports to better enable them to become productive, law-abiding members of the community. It will help address prison overcrowding by serving more individuals in the community. It will also likely reduce recidivism rates of individuals who are released from correctional facilities without having received appropriate training and habilitation.
- AB 438 will require the Department of Developmental Services to convene a task force to identify strategies and best practices, as specified, for local interagency coordination and cooperation in addressing the needs of adults and juveniles with developmental disabilities in the criminal and juvenile justice systems. The task force will also identify systemic barriers to serving people with developmental disabilities in community-based settings instead of jails and prisons and will, as appropriate, develop training curricula and model memoranda of understanding between regional centers and local agencies.

STATUS

Last amended: April 21, 2008
Passed Assembly Human Services Committee

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